

Regulatory Language

Section 27.82, Title 14, CCR, is amended to read:

§27.82. Management Areas Defined; Closed and Open Periods Defined.

(a) Cowcod Conservation Areas ~~closure areas~~ means both Area 1 and Area 2: Area 1 is an area south of Point Conception that is bound by straight lines connecting the following points in the order listed:

33°50' N. lat., 119°30' W. long.;
33°50' N. lat., 118°50' W. long.;
32°20' N. lat., 118°50' W. long.;
32°20' N. lat., 119°37' W. long.;
33°00' N. lat., 119°37' W. long.;
33°00' N. lat., 119°53' W. long.;
33°33' N. lat., 119°53' W. long.;
33°33' N. lat., 119°30' W. long.;
33°50' N. lat., 119°30' W. long.;

and Area 2 is a smaller area west of San Diego that is bound by straight lines connecting the following points in the order listed:

32°42' N. lat., 118°02' W. long.;
32°42' N. lat., 117°50' W. long.;
32°36' 42" N. lat., 117°50' W. long.;
32°30' N. lat., 117°53'30" W. long.;
32°30' N. lat., 118°02' W. long.;
32°42' N. lat., 118°02' W. long.;

(b) Rockfish and lingcod management areas are as follows: Northern Rockfish and Lingcod Management Area means ocean waters between the Oregon/California border and 40°10' N. lat. (near Cape Mendocino, Humboldt County); the Central Rockfish and Lingcod Management Area means ocean waters between 40°10' N. lat. and Point Conception, Santa Barbara County (at 34°27' N. lat.); and the Southern Rockfish and Lingcod Management Area means ocean waters between Point Conception and the U.S./Mexico border including the Cowcod Conservation ~~Closure~~ Areas.

(c) Rockfish and lingcod closure periods, except as provided in subsection (d), are as follows: Northern Rockfish and Lingcod Closure Period means the closure time period which commences following the date that the harvest guideline for canary or yelloweye rockfish established in regulation by the National Marine Fisheries Service has been reached or is projected to be exceeded and the fishery is closed pursuant to subsection (g) of this Section. Central Rockfish and Lingcod Closure Period means January-December, inclusive, and Southern Rockfish and Lingcod Closure Period means January-December, inclusive.

(d) During rockfish and lingcod closures specified in subsection (c), fishing for and possession of RCG complex species as defined in Section 1.91 (excluding bocaccio, canary, yelloweye rockfish, and cowcod), California scorpionfish, ocean whitefish and lingcod is allowed in the following areas and time periods, and is otherwise prohibited:

(1) In the Northern Rockfish and Lingcod Management Area, during January - December, inclusive, except only in waters less than 27 fathoms in depth along the

mainland coast and around offshore rocks (excluding reefs and banks) commencing the day following a fishery closure implemented pursuant to subsection (c) of this Section;

(2) In the ~~Central and Southern~~ Rockfish and Lingcod Management ~~Areas~~Area, in waters less than 20 fathoms in depth along the mainland coast and around offshore islands and rocks (excluding reefs and banks) during July-December, inclusive; ;

(3) In the Southern Rockfish and Lingcod Management Area along the mainland coast and around offshore islands and rocks (excluding reefs and banks) in waters less than 20 fathoms in depth during July and August, and along the mainland coast and around offshore islands and rocks (excluding reefs and banks) in waters less than 30 fathoms in depth during September-December, inclusive, [see subsection (f) for restrictions in Cowcod Conservation Areas].

(4) In the Central and Southern Rockfish and Lingcod Management Areas except that California scorpionfish may be taken and possessed in waters less than 20 fathoms in depth along the mainland coast and around offshore islands and rocks during January-February and in waters less than 50 fathoms in depth along the mainland coast during the months of July and August in the area bound by the mainland shore, a line extending due south true from Point Fermin in Los Angeles County, and a line extending due west true from Newport South Jetty in Orange County (waters less than 50 fathoms deep in the area east of a line extending due south true from Point Fermin located at 33°42' 30" N. latitude, 118°17' 30" W. longitude; and north of a line extending due west true from Newport South Jetty located at 33°35' 37" N. latitude, 117°52' 50" W. longitude).

(e) At no time may lingcod, ocean whitefish, RCG complex species as defined pursuant to Section 1.91, and California scorpionfish be taken or possessed except as provided in subsections (c) and (d) of this Section.

(f) At no time may California sheephead, lingcod, cabezon, kelp or rock greenlings, California scorpionfish, rockfish, or ocean whitefish be taken or possessed while fishing in water 20 fathoms or greater in depth in the Cowcod Conservation Areas ~~cowcod closure areas~~.

(g) When the department determines, based on the best available scientific information, that an annual harvest limit (harvest guideline) established in regulation by the National Marine Fisheries Service for lingcod, rockfish, or a subgroup of rockfish, and/or California scorpionfish, in the California recreational fishery has been exceeded or is projected to be exceeded prior to the end of the year, the department may close the recreational fishery for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish in all or part of the Northern, Central, or Southern Rockfish and Lingcod Management areas [see Section 27.82 (b)], depending on the level of lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish, catch in each area, for the balance of the calendar year.

(h) The department shall give the public and the National Marine Fisheries Service no less than 10 days notice of any fishery closure implemented pursuant to this Section via a department news release.

NOTE

Authority cited: Sections 200, 202, 205, 215, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 200, 202, 206, 215 and 8585.5, Fish and Game Code.

Section 27.83, Title 14, CCR, is amended to read:

§ 27.83. California Rockfish Conservation Area.

California Rockfish Conservation Area (CRCA) for purposes of recreational fishing means ocean waters south of 40°10' N. lat. (near Cape Mendocino) to the U.S./Mexico International Border within the depth zones and areas specified in subsections (a)(1) and (2), and (3).

(a) CRCA depth zones are as follows:

(1) From 40°10' N. lat., near Cape Mendocino south to the U.S.-Mexico border Pt. Reyes (at 37°59'44" N. lat.) the CRCA includes ocean waters 20 fathoms and deeper, except that during September through December 2003 in waters from Point Conception, Santa Barbara County, (at 34°27' N. lat.) south to the U.S.-Mexico border, the CRCA includes ocean waters approximately 30 fathoms and deeper described in federal regulations by a series of straight lines between "way points" available from the National Marine Fisheries Service [see subsection (a)(2) below for Cowcod Conservation Areas] to the seaward waypoints specified in federal regulations (which equate to about 250 fathoms).

~~(2) From Pt. Reyes to the U.S.-Mexico border the CRCA includes ocean waters 20 fathoms and deeper to the seaward waypoints specified in federal regulations (which equate to about 150 fathoms).~~

~~(2)(3)~~ The CRCA does not include the Cowcod Conservation Areas (CCAs) for purposes of these depth zones, except that the provision of subsections (c) through (e) shall apply in the CCAs. (see subsection subsections 27.82(a) and (f), Title 14, California Code of Regulations).

(b) Species Restrictions. Except as provided below, the take and possession of the following species is prohibited in the CRCA: all species of rockfish (*Sebastes* spp.), lingcod (*Ophiodon elongatus*), California scorpionfish (*Scorpaena guttata*), and ocean whitefish (*Caulolatilus princeps*) except that these species may be possessed aboard vessels transiting the area with no fishing gear in the water.

(c) Definitions.

(1) Highly migratory species are defined pursuant to Section 1.49, Title 14, CCR.

(2) Coastal pelagic species are defined pursuant to Section 1.39, Title 14, CCR.

(3) Salmon are defined pursuant to Section 1.73, Title 14, CCR.

(4) Squid jig means: a multi-pronged barbless hook with a 2-3 inch long, 1/4 to 3/4 inch thick, sometimes brightly-colored shank commonly used to catch coastal pelagic species.

(5) Downrigger means: a device used to deploy one or more fishing lines (via a spool, davit, main line, and terminal weight) each with a terminal hook or lure to a desired depth in the water column and that uses a clip to hold each fishing line in place until a fish takes the terminal hook or lure at which time the fishing line pulls free of the clip.

(6) No. 2 hook means: a fishing hook with a gap between the hook point and the shank at its closest point of 7/16 inch.

(7) Federal regulation means: the federal groundfish regulations that are found at 50 CFR (Code of Federal Regulations) parts 600 and 660 or as amended through proposed and final rules and published in the Federal Register, and; the federal

groundfish regulations published in the Federal Register as the annual specifications and management measures or as amended through inseason actions or corrections.

(d) Gear restrictions. Except as provided in subsection (e) below, the following fishing gear types or sizes are prohibited for use or possession aboard any vessel with one or more persons aboard taking fish under authority of a sport fishing license except that possession is allowed if the vessel is underway or transiting the CRCA or CCAs with no gear in the water: all types of hook and line gear with more than one hook or lure and more than 6 ounces of weight attached.

(e) Gear type and species exceptions as they apply to the CRCA and CCAs are as follows:

(1) When fishing for salmon, see Sections 27.80 and 28.65, Title 14, CCR.

(2) An additional hook (sliding or fixed) and downriggers with up to 5 pounds of weight may be used when trolling for species other than salmon.

(3) Up to 2 hooks and up to 1 pound of weight may be used when drifting for highly migratory species, California halibut (*Paralichthys californicus*), or yellowtail (*Seriola lalandi*).

(4) Up to ~~12~~ 5 No. 2 or smaller hooks and up to ~~1 pound~~ 2 pounds of weight may be used when fishing for sanddabs or coastal pelagic species ~~through February 28, 2003, after which date up to 12 No. 2 or smaller hooks and up to 2 pounds of weight may be used.~~

(5) There is no limit of the number of squid jigs that may be used on a line.

(6) Fishing is allowed for California scorpionfish (sculpin) in waters less than 50 fathoms in depth during the months of July and August in the area bound by the mainland shore, a line extending due south true from Point Fermin in Los Angeles County, and a line extending due west true from Newport South Jetty in Orange County (waters less than 50 fathoms deep in the area east of a line extending due south true from Point Fermin located at 33°42'30" N. lat., 118°17'30" W. long. and north of a line extending due west true from the Newport South Jetty located at 33°35'37" N. lat., 117°52'50" W. long.).

NOTE

Authority: Section 205, Fish and Game Code. Reference: Sections 200, 202 and 215, Fish and Game